

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :
v

: No. CH 00-664

MICHAEL EVANS :
MICHAEL EVANS

MEMORANDUM IN SUPPORT OF MOTION TO AMEND 60(b)

On or about December 21, 2005, petitioner sent to this Honorable Court a motion for relief in accordance to Fed.Civ.R.Pro. Rule 60(b).

As of this date-petitioner has not received correspondence indicating a docket number or any acknowledgment of receipt from this Honorable Court?

Petitioner requests that either this Court notify petitioner that reception of said document's-and if so-permit petitioner to amend his motion due to a potential procedure default in order to exercise his right to—"fundamental fairness" required by our sixth and fourteenth amendment to the United States Constitution. POINTER V TEXAS, 380 U.S. 400, 403 (1965).

Regardless, under Fed.R.Civ.Pro, rule 15(a) permits a petitioner to amend a action when a party's pleading has not had a responsive pleading or has not been placed upon the trial claender, by leave of the court amendment is permitted.Id.

Again, because of the lack of knowledge of receipt of the

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above motion, petitioner requests this Honorable Court inform petitioner; and if so, please permit petitioner to amend his motion under above said rule.

Michael Evans

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